

**REMARKS**

Claims 1, 5, 9, 13, 14 and 23-29 are pending. Claims 1, 5, 9 and 27-29 are the independent claims. Favorable reconsideration is respectfully requested.

Claims 1, 5, 9, 13, 14 and 23-29 were rejected under 35 U.S.C. § 102(a) over U.S. Patent 7,222,069 (Suzuki et al.). Applicant traverses.

In independent claims 1, 5 and 9, a first code string input, encoded according to an encoder, is input to a decoder, which decodes the first code string. This *decoded* signal is then encoded. The encoding of the decoded signal is performed based upon a judgment as to whether the decoded signal is an audio signal or a non-audio signal, the judgment having been made on the basis of information contained in the undecoded first code string. Thus, according to the independent claims, the encoding of a *decoded* first code string is performed on the basis of a judgment made based upon information in the undecoded first code string.

For example, claim 1 recites, inter alia:

“judging whether the decoded signal is an audio signal or a non-audio signal by using information contained in the undecoded first code string, and encoding the decoded signal in accordance with an encoding method on the basis of *the* judgment to generate a second code string, . . . ” (emphasis supplied)

“[T]he judgment” is a judgment that uses information in the undecoded first code string. Thus, the judging step requires: (1) that encoding is performed upon a decoded signal; and (2) the encoding of this decoded signal is performed on the basis of a judgment made using information from the undecoded first string. For Suzuki to meet

this limitation would require that it show a device or method that includes at least these two features. Suzuki et al., however, contains no teaching or suggestion of this limitation.

First, Suzuki et al. shows two completely different devices for code conversion: (a) the prior system of Figure 33 (hereinafter "Suzuki's prior art"), in which code conversion is performed by using a "tandem connection" in which voice code conversion unit 55 includes a decoder of encoding method one (55a), allowing it to reproduce voice which had been encoded by a first encoding method, and an encoder of encoding method two (55b), allowing it to encode the voice decoded by element 55a according to a second encoding method; and (b) Suzuki's own invention ( hereinafter "Suzuki's invention"), shown, e.g., in Figure 1 and other figures, in which an encoded signal according to a first encoding method is converted, *without the use of decoding*, directly into an encoded signal according to a second encoding method. These systems are completely separate systems and neither system contains all of the recited limitations of the claim. Moreover, as will be discussed below, there would be no reason to combine elements of these, and in fact, Suzuki teaches away from doing so.

First, as was explained in the previous response, Suzuki's invention relates to converting an encoded signal that has been encoded according to a first encoding method, *directly* into an encoded signal encoded according to a second encoding method, without an intervening decoding step.

In fact, the key element of Suzuki's invention is that his method does *not* encode a decoded signal. Skipping this step, according to Suzuki, solves the problem of degradation that occurs in code conversion when an input signal is first decoded (i.e.,

converted back to audio) and then re-encoded, e.g., according to a different encoding method as was the case in Suzuki's prior art. See Suzuki et al., col. 8, lines 7-14.

Instead of decoding the signal to a decoded signal, and then re-encoding the decoded signal according a second encoding method, as in Suzuki's prior art, Suzuki's invention converts the encoded input signal (according to a first encoding method) *directly* into an encoded output signal (according to a second encoding method).

In contrast to this method, in independent claims 1, 5 and 9, it is a *decoded signal* that is encoded, which is a step that Suzuki et al.'s method specifically and intentionally avoids performing. Thus, Suzuki's invention does not encode the decoded signal, as claimed.

Second, based on the foregoing, it is clear that Suzuki's invention also does not encode *the decoded signal based on a judgment relating to the undecoded first code string*. That is, while Suzuki's invention may use parameters from the undecoded first code string, for its *direct* conversion, it does *not* do so in the claimed manner. The parameters from the undecoded first code string in Suzuki's invention are *not used in encoding a decoded code string*, at least because Suzuki's invention *does not encode a decoded code string* at all. In contrast, in the independent claims discussed above, encoding is performed based upon a judgment made *based upon information in the undecoded first code string*.

That is, in Suzuki's voice code apparatus, voice code obtained by a first encoding method is input for converting this voice code to a voice code of a second voice encoding method. To this end, code converters are used to dequantize the codes of each of the components and to quantize the dequantized values by the second voice encoding

method. Suzuki's invention does not teach carrying out the coding and decoding as recited in the claims, nor does it include any teaching about judging whether the decoded signal is an audio signal or a non-audio signal.

As to Suzuki's prior art, shown in Figure 33, that device also does not have all of the elements of the independent claims. For one thing, while the device of Figure 33 does show encoding of a decoded signal, in that encoder 55b encodes the signal from decoder 55a, it does not teach, *inter alia*, the judging step of claim 1. That is, there is no teaching or suggestion in Suzuki's prior art that in this device (1) encoding is performed upon a decoded signal; *and* (2) that the encoding of this decoded signal is performed on the basis of a judgment made *using information from the undecoded first string*. The description of Figure 33 only indicates that the decoding of decoder 55a is based on the *decoded* first string 51' that is input into that element. There is no indication that the decoding of decoder 55a is performed on the basis of the unencoded first string.

Thus, neither of the separate devices shown in the Suzuki et al. patent teach the elements of the independent claims discussed above.

The Response to Arguments section of the Office Action appears to recognize that Suzuki's invention explicitly teaches not to encode a decoded signal. Moreover, no reason has been presented why one of ordinary skill in the art would somehow combine elements from these two separate devices, i.e., the device of prior art Figure 33 and that of Suzuki's invention (e.g., Figure 1) to overcome the abovementioned deficiencies of the devices shown in Suzuki et al.'s patent. Of course there could be no such motivation or reason for doing so, as Suzuki's invention purposely jettisons the use of encoding a decoded signal, and in fact specifically teaches away from its use. In any event, if the

Examiner wished to make an obviousness rejection based on some proposed combination of Suzuki's invention and Suzuki's prior art, he would have to provide a reason for doing so that overcome this clear teaching away, and provide some indication as to how such a hypothetical device would work.

Applicant also objections to the statement at the bottom of page 3 of the Office Action purporting to have identified "the inventive step" of the application. Such a statement, and the analysis that follows, amounts to an improper examination of the "gist" of the invention, which is not permitted.

In summary, Suzuki et al. provides no teaching of any code conversion device that includes all of the limitations of the independent claims discussed above. For at least the foregoing reasons, independent claims 1, 5 and 9 are believed clearly patentable over Suzuki et al.

Independent claims 27-29 also recite encoding of the decoded signal, and are believed allowable over the prior art for at least this reason as well. The dependent claims are believed patentable for at least the same reasons as their respective base claims.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

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